

AALIW

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OF LAWYERS FOR INJURED WORKERS

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July 8, 2019

(Sent via email : Jacqueline.Kurth@azica.gov)
Jacqueline Kurth, Manager
Medical Resource Office
Industrial Commission of Arizona
P.O. BOX 19070
PHOENIX, ARIZONA 85005-9070

Dear Ms. Kurth:

This letter is a formal comment regarding the Industrial Commission of Arizona's proposed changes to the 2019-2020 Arizona Physicians and Pharmaceutical Fee Schedule.

The Arizona Association of Lawyers for Injured Workers (AALIW) strongly opposes the adoption of public policy on physician self-dispensing under the auspices of approving the 2019-2020 fee schedule.

Our group agrees with the comments of Representative Aaron Lieberman, who stated at the July 1 hearing, "Why throw out the baby with the bathwater?" If there is a legitimate concern about self-dispensing physicians charging too much, why not limit the amount that they can charge instead of doing away with self-dispensing altogether?" This is the most sensible approach that is under the Commission's powers to address the policy issue imbedded within the fee schedule.

Self-dispensing is a policy issue. We do not understand why an administrative agency is passing legislation on self-dispensing through the adoption of the fee schedule. Public policy issues should be decided by the Legislative branch, not a four-member administrative agency.

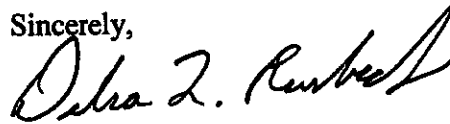
Even if there were a policy that could be adopted administratively, any such change should be made after taking all parties interests *seriously* into consideration. This has not been done by the four-member ICA Commission.

Claimants' attorneys were not involved any substantive discussions about the proposed policy, despite what Director James Ashley characterized in the July 1 hearing. We were invited to a "stakeholder" meeting back in August 2018 that included only our group and the ICA. We were promised at that time that we would be included in future meetings with other stakeholders, including the carriers and self-insureds. However, according to Chairman Schultz, 20-plus meetings were held, and we were never invited. Despite repeated inquiries, AALIW lobbyist Barry Arons was told repeatedly that "nothing was going on" at the Commission. This goes against the purpose of the rule making process - to have all of the parties at the table. Consequently, the Commission's proposed fee schedule reflects the interests only of the insurance carriers.

Further, this latest ICA proposal, taken together with the 2018 adoption of the ODG and cuts in the fee schedule to specialists, demonstrates that the current four-member administrative commission has protected insurance companies' profits at the expense of injured workers' access to appropriate medical treatment. This is contrary to the mission statement of the Industrial Commission, which is the "protection of life, health, safety, and welfare of Arizona's workforce." Our Constitution also sets forth the purpose of the law - "to assure and make certain a just and humane compensation law in the state of Arizona, for the relief and protection of such workmen, their widows, children or dependents, as defined by law, from the burdensome, expensive and litigious remedies for injuries to or death of such workmen."

On behalf of the *thousands* of injured workers represented by the attorneys who are members of AALIW, we strongly oppose adoption of the proposed 2019-2020 Arizona Physicians and Pharmaceutical Fee Schedule.

Sincerely,



Debra Runbeck, President

Arizona Association of Lawyers for Injured Workers

Cc:

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